

attests that the invention recited in independent claims 1, 14, 19, 25 and 29 were conceived as early as August 27, 1999, which predates the filing date (February 28, 2000) of the Nagarajan patent.

The Invention Disclosure annexed to the Brouwer declaration mentions an automatic tissue optimization (ATO) feature for B-mode imaging in the first line of the Background section. The GE LOGIQ 700 unit also mentioned in that sentence is an ultrasound imaging unit, including a display unit, an operator interface, a scanning subsystem and an image processing system as recited in, for example, independent system claim 1. The Summary of the Invention section in Exhibit A discloses the "capability of learning the user's preferences based on the manual adjustments made to display parameters within a predefined period of time after the initial ATO adjustment", and the "capability of self-updating its internal target parameters such as optimal dynamic range setting and optimal gray level limits based on the above learning step". The "display parameters", mentioned in the first extract, correspond to the "image processing parameters" recited in the independent claims.

Since Applicants' patent application was filed on July 28, 2000, the date of the Nagarajan patent (December 16, 2003) is not more than one year prior to Applicants' filing date. Therefore, pursuant to 37 CFR § 1.131, the Nagarajan patent shall not bar the grant of a patent to the Applicants and, in particular, shall not bar the allowance of claims 1-6, 9, 14-16,



Atty Docket: 15-UL-5310

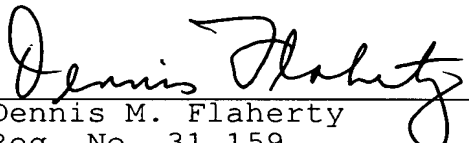
19-22, 25, 26, 29 and 30.

Elsewhere in the Office Action, the rest of the claims were rejected as being obvious in view of Nagarajan in combination with other references. Since the Brouwer declaration knocks out the Nagarajan patent as a prior art references, all of the obviousness rejections must also now be withdrawn.

In view of the foregoing, the Applicant submits that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 1-32 are hereby requested.

Respectfully submitted,

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Date

  
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CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

June 15, 2004

  
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